

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 2:04-cr-00027-MR-WCM-1**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ROGER DALE CHARLES, II,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Defendant’s “Motion to Modify Sentence” [Doc. 137].

The Defendant moves for a reduction of his sentence pursuant to Part A of Amendment 821 to the United States Sentencing Guidelines. [Doc. 137].

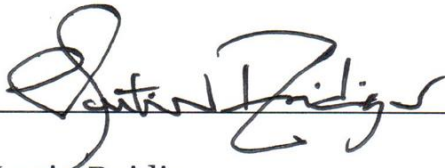
Part A of Amendment 821, effective November 1, 2023, amended U.S.S.G. § 4A1.1 to change the way that criminal history “status points” are assessed for defendants who committed their offense of conviction while under a criminal justice sentence. Here, the Defendant had a total of eighteen (18) criminal history points based on his prior criminal convictions. [Doc. 138 at ¶ 70]. The Defendant was not assessed any status points under

§ U.S.S.G. § 4A1.1. As such, the Defendant is not eligible for relief under Amendment 821.

**IT IS, THEREFORE, ORDERED** that the Defendant's "Motion to Modify Sentence" [Doc. 137] is **DENIED**.

**IT IS SO ORDERED.**

Signed: January 15, 2024

  
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Martin Reidinger  
Chief United States District Judge

